

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11971-GAO

JANET M. BUTLER,)
vs.)
Plaintiff,)
VS.)
MARK S. BEATON, Individually and in his capacity)
as a Member of the BOARD OF SELECTMEN OF)
THE TOWN OF KINGSTON,)
PAUL M. GALLAGHER, OLAVO B. DEMACEDO,)
JOSEPH D. KELLEHER, RICHARD E. KENNEY)
in their capacities as Members of the)
BOARD OF SELECTMEN OF THE TOWN OF KINGSTON)
and TOWN OF KINGSTON,)
Defendants.)

AFFIDAVIT OF COUNSEL IN SUPPORT OF
OPPOSITION OF DEFENDANTS TO PLAINTIFF'S
MOTION FOR A PRELIMINARY INJUNCTION

I, Thomas P. Campbell, depose under oath and state the following of my own knowledge, or information and belief:

1. I represent the Defendants in the above-captioned litigation.
2. In the course of my representation, I have become familiar with the recent and present make-up of Kingston's Zoning Board of Appeals ("ZBA").
3. The ZBA consists of five full members and two alternates. There are presently five full members: Edward Donnelly, John Haas, Kevin McGowan, David Rose and George Boerger.
4. The Plaintiff, Janet Butler, was an alternate member of the ZBA. Her position has remained temporarily open due to an agreement

between the Town and her counsel to reserve that opening,
pending the scheduling of her Motion for a Preliminary Injunction.

5. The position of the other alternate member was filled until the member, Matthew Mello, recently resigned.
6. Therefore, the two alternate member positions on the ZBA are currently vacant.

Signed under the pains and penalties of perjury this 21st day of September, 2004.

/s/ Thomas P. Campbell
Thomas P. Campbell, Esq.